



State of Arizona

This Intergovernmental Agreement is entered into pursuant to Arizona Revised Statutes A.R.S. 11-952 et seq. between the State Board of Education (BOARD), acting through the Arizona Department of Education (DEPARTMENT), a State Agency of the State of Arizona, and the Arizona Department of Economic Security (hereinafter referred to as DES), a State Agency of the State of Arizona.

The BOARD and the DES agree to the following terms:

- 1.0 The BOARD is authorized to enter into this Intergovernmental Agreement (IGA) by A.R.S. § 15-203(B)(1) and 8-652 and the DES is authorized to enter into this IGA by virtue of A.R.S. § 8-652.
- 2.0 This Agreement shall become effective upon signing by both parties and shall remain in effect through June 30, 2004. As specified in Section 7.0, Oversight Responsibility, DES oversees the execution of this IGA within Arizona Early Intervention Program (AzEIP) participating agencies and the Department oversees the execution of this IGA by Public Education Agencies. This IGA does not alter or diminish either the Department's or DES/AzEIP's responsibilities to ensure compliance with Child Find requirements. In the event that either party fails to meet the obligations set forth in this IGA, the parties shall engage administrative channels to resolve issues of noncompliance. Should either party elect to terminate or cancel this IGA, the party shall notify the other in writing one month prior to the proposed termination of this IGA.
- 3.0 Purpose of the Agreement
 - 3.1 To ensure that all children aged birth through five with developmental delays or disabilities are located, identified and evaluated according to 34 CFR, §§300.125, and 303.321 of the Individuals with Disabilities Education Act (IDEA) 1997, Parts C and B and Arizona Administrative Code (A.A.C.), R7-2-401 C-D.
 - 3.2 To ensure families' rights to entitled services and to delineate responsibilities of each agency in implementing child find requirements, establishing uniformity statewide that will provide for coordination of a seamless system for identifying and serving children ages birth through five with developmental delays or disabilities according to the IDEA, Parts B and C (20 USC §1431 et seq.; 34 CFR, §303 et seq.) and the AAC R7-2-401.C-D.
 - 3.3 To clarify oversight responsibilities of the DEPARTMENT to ensure child find requirements are being met by both Public Education Agencies (PEAs) and AzEIP.

4.0 Definitions

- 4.1 Arizona Early Intervention Program (AzEIP) is the comprehensive, coordinated system of early intervention services implemented through the collaborative activities of five AzEIP participating agencies and their contractors. AzEIP is the total effort in Arizona that is directed at finding, assessing and meeting the needs of children eligible under IDEA, Part C and their families.
- 4.2 AzEIP Eligibility Process includes formal and informal procedures for screening, assessment and evaluation of a child aged birth through 2 years to document and support an eligibility determination within 45 days of referral to AzEIP. A child with an established condition may be determined eligible based on documentation of the established condition by a qualified professional.
- 4.3 AzEIP Participating Agencies are the five state agencies responsible for providing early intervention services under Part C. The five participating state agencies are: Arizona Department of Economic Security, Arizona State Schools for the Deaf and the Blind, Arizona Department of Health Services, Arizona Health Care Cost Containment System, and Arizona Department of Education.
- 4.4 Child Find refers to requirements in IDEA 34 CFR, §300.125, “The State must have in effect policies and procedures to ensure that all children with disabilities residing in the state, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated...” and in A.A.C. R7-2-401.C.1 “Each public agency shall inform the general public and all parents... of the availability of special education services for students aged three through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through 2 years.”
- 4.5 Department of Economic Security (DES) is the state agency designated in ARS §8-652 as the lead agency for implementing Part C of the Individuals with Disabilities Education Act (IDEA).
- 4.6 Department of Economic Security, Arizona Early Intervention Program (DES/AzEIP) is the office within DES responsible for fulfilling all lead agency responsibilities as described in Part C of IDEA for early intervention services for children birth through two years old and their families.
- 4.7 Developmental Tracking is the periodic, developmental screening available to families who have been referred to AzEIP, but are not eligible for AzEIP. The purpose of developmental tracking is to determine if the status of the infant or toddler has changed with respect to potential eligibility for AzEIP. If developmental tracking indicates that the child’s status may have changed and the family would like to explore eligibility for AzEIP, the interim service coordinator recognizes this as a referral subject to AzEIP policies, procedures and requirements, including those set forth in this intergovernmental agreement.
- 4.8 District of Residence is the elementary district (K-8th grades) or unified district (K-12) in which the child’s parents reside. The district of residence ensures child

find for children aged birth through five and service provision for eligible children aged 3 through 5 years.

- 4.9 Extended School Year (ESY) refers to special education and related services that are provided to a child with a disability beyond the normal school year of the public agency; in accordance with the child's IEP; and at no cost to the parents of the child; and meets the standards of the Department. Eligibility in an ESY program shall be determined by the IEP team based on the following criteria: (1) regression-recoupment factors; (2) critical learning stages; (3) least restrictive environment considerations; (4) teacher and parent interviews and recommendations; (5) data-based observations of the pupil; (6) considerations of the pupil's previous history; and (7) parental skills and abilities.
- 4.10 Free Appropriate Public Education (FAPE) is the provision of special education services that (a) are provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the State Education Agency (SEA), (c) include preschool, elementary school and/or secondary school education in the State; and (d) are provided in conformity with the individualized education program (IEP) that meets the requirements of 34CFR §§300.340-300.350.
- 4.11 Identification is the process of determining if a child has a suspected developmental delay or disability and includes screening of vision, hearing, cognition, motor skills, social/emotional skills, speech/language, and adaptive development.
- 4.12 Individualized Education Program (IEP) In accordance with 34 CFR, §300.340, "IEP means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.341-300.350 by a team of which includes: the parents, one regular education teacher, one special education teacher ... or special education provider, a representative of the public agency..., an individual who can interpret the instructional implications of evaluation results..., ... other individuals who have knowledge or special expertise regarding the child, and if appropriate, the child in accordance with 34 CFR,§300.343".
- 4.13 Individualized Family Service Plan (IFSP) is a written plan developed by a multidisciplinary team, including the parent or guardian, which includes statements of: a) the child's present levels of development; b) with the concurrence of the family, the family's priorities, resources and concerns related to enhancing the development of the child; c) the major outcomes expected; d) the specific early intervention services necessary and the method and environments of service provision; e) the projected dates of service; f) the name of the service coordinator and g) the transition plan.
- 4.14 Initial Referral is the first time a child is referred to AzEIP or a PEA for the purpose of determining if s/he is eligible as a child with a developmental delay or disability and who might require early intervention or preschool special education services.

- 4.15 Interim service coordination is the process of accessing AzEIP, including intake, evaluation and assessment, eligibility determination and, if appropriate, transition to service coordination for the development of the initial Individualized Family Service Plan (IFSP).
- 4.16 Interim service coordinator is any individual employed or contracted by DES/AzEIP or any AzEIP participating agency to facilitate the process of accessing AzEIP. Interim service coordinators employed or contracted by AzEIP participating agencies may have different titles.
- 4.17 Public Education Agency (PEA) means a school district, charter school, accommodation school, state supported institution or other political subdivision of the state that is responsible for providing education to children with disabilities.
- 4.18 Multidisciplinary as defined in 34 CFR, §303.17 means the involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities in §303.322 and development of the IFSP in § 303.342.
- 4.19 Multidisciplinary Evaluation Team is a team of persons including individuals described as the IEP team referenced in 4.12 and other qualified professionals who shall determine if a child is eligible for preschool special education services.
- 4.20 Parental Consent is informed consent provided by a parent, guardian or surrogate parent as appropriate under law.
- 4.21 Part B Eligibility Criteria for Preschool Special Education Services in accordance to ARS Title 15:

Hearing Impairment means a loss of hearing acuity, as determined by evaluation pursuant to ARS §15-766, which interferes with the child's performance in the educational environment and requires the provision of special education and related services;

Preschool Moderate Delay means performance by a preschool child on a norm-referenced test that measures at least one and one-half, but not more than three, standard deviations below the mean for children of the same chronological age in two or more of the following areas:

- (a) Cognitive development.
- (b) Physical development.
- (c) Communication development.
- (d) Social or emotional development.
- (e) Adaptive development.

Preschool Severe Delay means performance by a preschool child on a norm-referenced test that measures more than three standard deviations below the mean for children of the same chronological age in one or more of the following areas:

- (a) Cognitive development.
- (b) Physical development.
- (c) Communication development.

- (d) Social or emotional development.
- (e) Adaptive development.

Preschool Speech/Language Delay means performance by a preschool child on a norm-referenced language test that measures at least one and one-half standard deviations below the mean for children of the same chronological age or whose speech, out of context, is unintelligible to a listener who is unfamiliar with the child.

Visual Impairment means a loss in visual acuity or a loss of visual field as determined by evaluation pursuant to ARS §15-766, that interferes with the child's performance in the educational environment and that requires the provision of special education and related services.

- 4.22 Part C Eligibility Criteria for Early Intervention Services: The State of Arizona defines as eligible a child between birth and 36 months of age, who is developmentally delayed or who has an established condition that has a high probability of resulting in a developmental delay. A child from birth to 36 months of age will be considered to exhibit developmental delay when that child has not reached 50 per cent of the developmental milestones expected at his/her chronological age, in one or more of the following domains: (1) physical: fine and/or gross motor/sensory (includes vision and/or hearing); (2) cognitive; (3) language/communication; (4) social or emotional or (5) adaptive (self-help). Established conditions that have a high probability of developmental delay include, but are not limited to: chromosomal abnormalities; metabolic disorders; hydrocephalus; neural tube defects (e.g. spina bifida); intraventricular hemorrhage, grade 3 or 4; periventricular leukomalacia; cerebral palsy; significant auditory impairment; significant visual impairment; failure to thrive, and; severe attachment disorders. The state's definition of "eligible child" does not include children who are at risk of having substantial delays if early intervention services are not provided.
- 4.23 Screening refers to informal and formal procedures to identify concerns in a child's development that may indicate the need for an evaluation to determine eligibility for Part C or Part B services. Screening may include observations, family interviews, review of medical or developmental records, or administration of specific screening instruments.
- 4.24 Tracking refers to documentation of the major steps conducted during the process of identifying if a child is eligible to receive early intervention or preschool special education services.

5.0 Child Find Policies and Procedures

- 5.1 Both DES/AzEIP and the Department ensure that standard policies and procedures for child find requirements have been established and disseminated to all agencies participating in early intervention and preschool special education services for children birth to five with developmental delays or disabilities. All service providers, PEAs and subsequent contractors providing early intervention

and special education services under Parts C and B will be required to review and adhere to these child find policies and procedures.

5.2 Public Awareness for Child Find

DES/AzEIP and the Department will continue to provide annual financial support for publishing and disseminating the *Every Step Counts* or comparable products. The Department and DES/AzEIP will collaborate in developing additional products targeted to specific audiences, including the general public and families for whom written English is not a preferred mode of communication, using a mutually agreed upon dissemination plan.

DES/AzEIP and the Department agree to collaborate by supporting development and provision of training for staff of medical facilities and other primary referral sources including families. Educational materials and strategies will describe: 1) the purpose and availability of early intervention and preschool special education services; 2) the procedures for referral to AzEIP or preschool special education, and; (3) criteria for eligibility.

DES/AzEIP and the Department agree to finance, develop and provide annual training for AzEIP service providers and PEA staff regarding: 1) the protocol for the child identification process for children birth to five; 2) public awareness obligations; and 3) best practices for child find efforts to ensure all children ages birth to five with delays or disabilities are located, identified, and evaluated. DES/AzEIP and the Department will each develop and maintain a web site to facilitate referral of families to local AzEIP and preschool special education services throughout the state. Links to other relevant sites will be included to assist parents in acquiring other family supports they may need.

DES/AzEIP and the Department agree to develop a technical assistance document on requirements and best practices for implementing child find. At a minimum, the document will address: public awareness, referrals, screening, assessment/evaluation, eligibility criteria for Parts B and C, and tracking of the identification process. This document will be the foundation for training AzEIP service providers and PEA staff in joint sessions so their combined efforts form a seamless system to serve eligible children aged birth through five.

6.0 Child Identification Procedures- Initial Referrals/Assessments/Evaluations

6.1 Mutual responsibilities

Part C and Part B are mutually obligated to identify eligible children as early as possible even when service provision may be provided by the other agency. Although timelines for eligibility determination for Parts B and C differ, each agency is charged with the responsibility of avoiding unnecessary duplication in screening and evaluation so that the child identification system is seamless. Therefore, AzEIP eligibility information must be considered by the district of residence in the Part B evaluation process.

AzEIP is required to determine eligibility for Part C services, and conduct the IFSP meeting within 45 calendar days from referral. Therefore, the PEA shall expedite the eligibility determination process by notifying the AzEIP interim service coordinator within two working days of receipt of a concern regarding a child aged birth through two years, using the *Arizona's Child Find Tracking Form* and maintaining a copy of the tracking form for monitoring purposes.

The district of residence is required to determine eligibility for Part B services, conduct an IEP meeting and ensure the provision of FAPE no later than the child's 3rd birthday. Districts are permitted, but not required, to provide services at 2 years, 9 months under Part B. As required under Part B of IDEA and the Arizona Administrative Code, the district of residence shall respond to referrals for evaluation in a timely manner regardless of the school calendar. This may include screening, evaluation, determination of eligibility, development of an IEP, and provision of services according to the IEP. For each child, consideration of the need for Extended School Year services must be addressed in the child's IEP, including consideration of all criteria defined in 4.9 Extended School Year.

6.2 Use of Arizona's Child Find Tracking Form

The Department and DES/AzEIP require PEAs and AzEIP interim service coordinators to use the *Arizona's Child Find Tracking Form*, a state standardized form, to track referrals of children from PEAs to AzEIP interim service coordinators and vice versa. PEAs and AzEIP are required to use the tracking form to communicate referral information, track the status of a referral and to ensure appropriate oversight by the DES/AzEIP and the Department. The tracking form is not intended to be used by physicians, families or other referral sources, who may use other forms to initiate referrals.

6.3 For Children Aged Birth to 2 Yrs. 9 Mos. Referred from the PEA to AzEIP

When AzEIP interim service coordinators receive an initial referral from a PEA for a child aged birth to 2 Yrs. 9 months, AzEIP will initiate the AzEIP eligibility determination process and will notify the referring PEA by faxing the *Arizona's Child Find Tracking Form* within 30 calendar days of receipt of the initial referral, maintaining a copy of the tracking form for monitoring purposes.

If the PEA has not received notification from AzEIP on the status of the referral within 30 calendar days of the referral to AzEIP, the PEA will contact the local AzEIP interim service coordinator to determine the status of the referral. If the eligibility determination process has been delayed, the PEA must complete the Alert portion of the *Arizona's Child Find Tracking Form* and fax a copy to the Department within two working days. The Department will contact DES/AzEIP to ensure the eligibility determination process is being expedited to meet state timelines. If an Alert has been filed, the AzEIP interim service coordinator must notify the parents, PEA, DES/AzEIP and the Department when the eligibility determination process has been completed. The AzEIP interim service coordinator shall maintain a copy of the tracking form for monitoring purposes.

6.4 For Children Aged 2 Yrs. 6 Mos. – 2 Yr. 9 Mos. Referred from the PEA to AzEIP

While AzEIP retains the responsibility for evaluation and services for this age group, the district of residence should participate in the eligibility determination process due to the district's responsibility to provide FAPE no later than age three. This participation will reduce the potential for duplicative evaluation efforts and will enhance the district's capacity to prepare for and serve the child in a timely manner. Districts that exercise the state option of serving children with disabilities at 2 years and 9 months shall participate in the eligibility determination process for children in this age group.

Children aged 2 yrs 6 mos. – 2 Yrs. 9 Mos. will be referred to AzEIP interim service coordinators. If an evaluation is needed, AzEIP staff will notify the district of residence in order to facilitate their participation in the evaluation process.

If the PEA has not received notification from AzEIP on the status of the referral within 30 calendar days of the initial referral to AzEIP, the PEA will contact the local AzEIP interim service coordinator to determine the status of the referral. If the eligibility determination process has been delayed, the PEA must complete the Alert portion of the *Arizona's Child Find Tracking Form* and fax a copy to the Department within two working days. The Department will contact DES/AzEIP to ensure the eligibility determination process is being expedited. If an Alert has been filed, the AzEIP interim service coordinator must notify the parents, PEA, DES/AzEIP and the Department when the eligibility determination process has been completed. The AzEIP interim service coordinator shall maintain a copy of the tracking form for monitoring purposes.

6.5 For Children Aged 2 Yrs. 9 Mos. – 3 Yrs.

For an eligible child between the ages of 2 yrs. 9 mos. – 3 years, entry into school district services is imminent, however the child remains eligible for consideration for Part C services. Therefore, regardless of which agency (AzEIP or PEA) receives the initial referral, that agency is obligated to explain to the parents the eligibility determination processes and the service delivery systems under both Part B and Part C. Following that explanation, the parents may elect to initiate the eligibility determination process under either Part B or Part C or both.

If the parents elect to exercise the eligibility determination process under the other system, the agency in contact with the parents will follow the referral processes outlined in 6.3 or 6.6, including follow-up by the referring agency to ascertain whether the eligibility determination process has been expedited. If the parents elect to have their child's eligibility considered under both systems, the agency in contact with the parent will notify the other system of the desire of parents and will facilitate joint assessment of the child's eligibility for services.

If a child in this age range is found eligible for Part B services, the school district shall participate in the development of an IFSP or IEP that ensures FAPE, including consideration for ESY, by the child's 3rd birthday.

If the PEA in contact with the parent is not responsible for Part C or preschool Part B services (e.g. a charter school or union high school district), that PEA is responsible for explaining the eligibility determination processes and the service delivery systems under both Part B and Part C to the parents., Based on the parent's choice, the PEA shall notify either the Part C and Part B responsible agency or both agencies using the *Arizona's Child Find Tracking Form* within two working days of the receipt of concern from a parent. If the family elects to initiate the eligibility determination process under both Part B and Part C, the district of residence will facilitate joint assessment of the child's eligibility for services.

6.6 For Children Ages 3 – 5 Referred to the District of Residence

Upon receipt of a parent's concern regarding their child's development, the district of residence is required to screen and/or evaluate the child within the state prescribed timelines.

Upon receipt of a concern regarding the child's development or a request for an evaluation from parents of a child ages 3-5, AzEIP, charter schools and union high schools will refer parents to the district of residence for a screening or evaluation. They will use the *Arizona's Child Find Tracking Form* and fax it to the district of residence within two working days of the date of initial referral. The district of residence will conduct a screening and/or evaluation and notify the referring agency within 30 calendar days of receipt of the initial referral. If the district of residence has not contacted the referring agency within 30 calendar days of the initial referral, the referring agency shall contact the district to determine the status of the referral.

If the district has not initiated the eligibility determination process, the referring agency will complete the Alert portion of the *Arizona's Child Find Tracking Form* and fax it to the Department within two working days. The Department will ensure the screening and/or evaluation (if parental consent has been obtained) is in process and being expedited to meet state timelines. If an Alert has been filed, the district of residence must notify the Department, the parents and referring agency when the screening or evaluation has been completed.

6.7 Charter School and Union High School District Child Find Responsibilities for Children Ages Birth - 5

For children aged birth through 5, charter schools and union high school districts are required to provide public awareness for child find and make referrals to AzEIP or the district of residence for screening, evaluation, and provision of services. Charter schools and union high school districts will complete the *Arizona's Child Find Tracking Form* to make initial referrals to AzEIP and/or the district of residence within two working days of receipt of a concern. If AzEIP or the district of residence has not contacted the referring agency within 30 calendar days of the initial referral, the referring agency will contact AzEIP or the district of residence to determine if the eligibility determination is in process.

If AzEIP or the district of residence has not initiated the eligibility determination process, the charter school staff or union high school district staff will complete the Alert portion of the *Arizona's Child Find Tracking Form* and fax a copy to the Department within two working days. The Department will ensure the eligibility determination process is in process and being expedited to meet state timelines. If an Alert has been filed, AzEIP or the district of residence must notify the parents, the referring agency, and Department when the screening or evaluation has been completed. AzEIP or the district of residence shall maintain a copy of the tracking form for monitoring purposes.

7.0 Oversight Responsibility

- 7.1 DES/AzEIP oversees the five AzEIP participating state agencies and the network of early intervention service providers to ensure adherence to the requirements of IDEA, Part C and AzEIP policies and procedures, including the provisions in this agreement. If the provisions herein are not followed as set forth, the Department is not absolved of its obligation to ensure child find procedures are implemented according to IDEA.

In the event that the Department fails to meet the obligations set forth in this IGA, the DES/AzEIP shall engage administrative channels to resolve issues of noncompliance.

- 7.2 The Department reserves the authority for oversight of all public education agencies regarding all agreements designated herein under the auspices of the Department. This includes, but is not limited to, conducting compliance monitoring for the IDEA and its implementing regulations, to ensure they are adhering to policies and procedures, as well as the provisions herein this Agreement.

In the event that DES/AzEIP fails to meet the obligations set forth in this IGA, the Department shall engage administrative channels to resolve issues of noncompliance.

- 8.0 This Agreement shall be construed under the laws of the State of Arizona. All laws governing an Intergovernmental Agreement and those mandatory State Agency contract provisions required by statute, rule or executive order shall be incorporated by reference.

- 8.1 With regard to discrimination because of race, age, color, religion, sex, national origin, or handicap, the Department agrees to comply with the applicable provisions of:

- 8.1.1 Title IX of the Education Act of 1972,
- 8.1.2 Sections 503 and 504 of the Rehabilitation Act of 1973,
- 8.1.3 Civil Rights Act of 1964, as amended,
- 8.1.4 Americans with Disabilities Act, 42 U.S.C. 12101 et. seq.,

- 8.1.5 Presidential Executive Order 11246, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (42 CFR Part 60), and
- 8.1.6 Governor's Executive Order 99-4 .

9.0 This Agreement may only be modified in writing and must be signed by both parties or their duly authorized agents.

10.0 All written communications shall be addressed and mailed or personally served upon the parties as follows:

To the DES:

Arizona Department of Economic Security
1717 West Jefferson Street
Phoenix, AZ 85007

Technical Contact:
DES/AzEIP Executive Director

To the BOARD:

Arizona Department of Education
Contracts Management Unit
1535 West Jefferson Street, # 37
Phoenix, AZ 85007

Technical Contact:
Child Find Coordinator
Exceptional Student Services

11.0 Disputes arising under this agreement shall be subject to arbitration to the extent required by A.R.S. 12-1518.

Dated this _____ day of _____, 2002

State Board of Education acting through the Arizona Department of Education
(Department)

(Signature of Authorized Individual)

Jaime A. Molera, Superintendent of Public Instruction

(Typed Name and Title)

Dated this _____ day of _____, 2002

Arizona Department of Economic Security

(Signature of Authorized Individual)

John L. Clayton, Director

(Typed Name and Title)